



General Assembly

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Amendment

LCO No. 7601

HB0668207601SR0

Offered by:

SEN. HERLIHY, 8th Dist.

To: Subst. House Bill No. 6682

File No. 813

Cal. No. 558

**"AN ACT CONCERNING SITING COUNCIL REVIEW OF
UNDERGROUND OR UNDERWATER ELECTRIC TRANSMISSION
LINES, RESTRICTIONS ON THE INSTALLATION OF CERTAIN
ELECTRIC TRANSMISSION LINES AND THE ESTABLISHMENT OF
A MUNICIPAL PARTICIPATION ACCOUNT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) For a period of ten years
4 beginning with the assessment year during which the value of a
5 property decreases as a direct result of the upgrading of an electric
6 transmission facility to a capacity that is equal to or greater than three
7 hundred forty-five kilovolts, but in no event later than October 1, 2010,
8 the municipality in which the facility is located shall be entitled, in
9 addition to the amount of tax for which the owner the subject property
10 is liable under chapter 203 of the general statutes with respect to such
11 facility, to an amount as computed in subsection (b) of this section.

12 (b) (1) The additional amount shall be a percentage of (A) the

13 difference between the value of a property affected by such upgrade as
14 it would have been assessed were it not for said electric transmission
15 facility taking into account depreciation and the assessed value of such
16 property, (B) multiplied by the mill rate of the municipality in which
17 the facility is located for the applicable assessment year, (C) minus the
18 amount of any increase in property tax revenues to such municipality
19 as a result of any increase in value of the property.

20 (2) The assessor or board of assessors shall calculate the additional
21 amount as follows: (A) For the assessment year during which the value
22 of such property decreased as a direct result of said upgrade, one
23 hundred per cent of the amount computed under subdivision (1) of
24 this subsection; and (B) for each assessment year thereafter, ten per
25 cent less for each succeeding year until the percentage is zero.

26 (c) On or before June fifteenth, annually, following the assessment
27 date for which the value of the subject property decreases as a direct
28 result of said upgrade, the assessor or board of assessors of a
29 municipality in which the subject property is located shall certify to the
30 Secretary of the Office of Policy and Management, on a form furnished
31 by the secretary, the amount as computed in subsection (b) of this
32 section together with supporting information as the secretary may
33 require. The secretary may reevaluate the subject property when, in
34 the secretary's judgment, the valuation is inaccurate. The secretary
35 shall review each claim and modify the value of the subject property
36 included therein when, in the secretary's judgment, the value is
37 inaccurate or the property did not decrease in value as a direct result of
38 said upgrade. Not later than July first next succeeding the assessment
39 date for which the amount was approved by the assessor or assessors,
40 the secretary shall notify the municipality in which the subject
41 property is located of the modification, in accordance with the
42 procedure set forth in subsection (d) of this section. The secretary shall,
43 on or before July fifteenth, annually, certify to the Department of
44 Public Utility Control the amount due the municipality under the
45 provisions of this section, including any modification of such amount
46 made prior to July first, and the department shall order the payment of

47 such amount by the appropriate owner of the electric transmission
48 facility to the municipality in which the facility is located according to
49 the following formula: Not later than five business days following the
50 date on which the taxes are paid by the owner of the facility in July,
51 but in no case prior to July fifteenth, the balance required to equal an
52 amount equal to half of the amount of tax for which the owner of the
53 facility is liable under this chapter with respect to such facility plus
54 half of the amount calculated in subsection (b) of this section; on or
55 before the thirty-first day of January immediately following, the
56 balance required to equal an amount equal to half of the amount of tax
57 for which the owner of the facility is liable under this chapter with
58 respect to such facility plus half of the amount calculated in subsection
59 (b) of this section. Following the payment of taxes by the owner of the
60 facility in July, the town shall certify to the Department of Public
61 Utility Control the amount paid by the owner of the facility. If any
62 modification is made as the result of the provisions of this section on
63 or after the July fifteenth following the date on which the assessor has
64 provided the amount in question, any adjustments to the amount due
65 to a municipality for the period for which such modification was made
66 shall be made in the next payment the owner of the facility shall make
67 to such municipality pursuant to this section.

68 (d) If the Secretary of the Office of Policy and Management modifies
69 the amount calculated by the assessor or board of assessors pursuant
70 to subsection (b) of this section, the secretary shall send written notice
71 of such modification to the appropriate municipality. Not later than
72 thirty days after the date the municipality receives such notice, the
73 municipality may make application for a hearing before said secretary,
74 or his designee. Such application shall be in writing and shall set forth
75 the reasons why the amount in question should not be modified. The
76 secretary shall grant or deny such hearing request by written notice to
77 the municipality. If a request for hearing is denied by the secretary
78 such notice shall contain a statement of the reason for said denial. Not
79 later than sixty days after the date on which a hearing is held, said
80 secretary shall send notice of his decision concerning such appeal to

81 the municipality. If the municipality is aggrieved by the secretary's
82 decision concerning the disposition of the municipality's appeal or the
83 secretary's decision not to hold a hearing, such municipality may, not
84 later than thirty days after receiving a notice related thereto from the
85 secretary, make application in the nature of an appeal to the superior
86 court of the judicial district in which the electric generation facility is
87 located. Such application shall be accompanied by a citation to the
88 secretary to appear before said court, and shall be served and returned
89 in the same manner as is required in the case of a summons in a civil
90 action. Said court may grant such relief as may be equitable."